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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re the Marriage of SEANA and
JOSHUA PARKER.

SEANA PARKER-MONTES,

Respondent,

v.

JOSHUA PARKER,

Appellant.

D052580

(Super. Ct. No. DN 130193)

APPEAL from an order of the Superior Court of San Diego County, Harry L.

Powazek, Judge. Affirmed.

In this appeal Joshua Parker (Parker), representing himself, challenges the trial court's postjudgment rulings in dissolution proceedings with his former spouse, Seana Parker-Montes (Montes). After entry of a judgment dividing the party's community property, the trial court made various rulings concerning the equalization calculations and disbursement of funds that were to occur after the sale of a community asset. Parker

asserts the trial court had no jurisdiction to make the rulings because the underlying judgment was pending on appeal. He also challenges the merits of several court rulings. We reject his arguments and affirm the order.

Montes has requested sanctions against Parker for filing a frivolous appeal. We grant her request.

OVERVIEW

In this appeal, Parker challenges rulings made by the trial court to effectuate a judgment dividing the parties' community property. The trial court's rulings occurred while the property judgment was pending on appeal. Parker asserts the trial court had no jurisdiction to render the rulings because of the pending appeal. His contention lacks merit.

As we shall explain, a trial court is authorized to render postjudgment rulings that do not impact the effectiveness of the appeal (*In re Marriage of Horowitz* (1984) 159 Cal.App.3d 377, 381), and in the absence of a stay a trial court is authorized to enforce a money judgment pending on appeal (*In re Marriage of Thompson* (1979) 96 Cal.App.3d 621, 624-625). The trial court's rulings stayed within these jurisdictional boundaries. Based on a motion filed by Montes, the trial court ruled that several outstanding matters should be included in the final equalization and disbursement calculations that would occur once the appeals were resolved (i.e., unpaid expert fees, child support arrearages and attorney fees owed by Parker, and funds needed to create a Qualified Domestic Relations Order (QDRO)). These rulings did not impact the effectiveness of the appeal because they did not change the *merits* of the matters pending on appeal, but rather

merely determined *the manner* in which the final equalization calculations and disbursement of funds would occur after the appeals were finished.

The trial court's rulings also included some actual disbursement of funds to the parties. This disbursement occurred after the trial court lifted a stay on enforcement of the money judgment. Because no stay on enforcement was in effect, the fund disbursement was a permissible enforcement of a money judgment.

In short, because the trial court's postjudgment rulings did not alter the merits of the matters on appeal and involved permissible enforcement of a money judgment, there was no jurisdictional error. We also reject Parker's various challenges to the merits of the trial court's rulings.

FACTUAL AND PROCEDURAL BACKGROUND

During the dissolution proceedings, child support issues and property issues were adjudicated separately. In May 2005, the trial court ruled that Parker owed Montes \$9,535.34 in child support arrearages as of March 2005. The court gave Parker 30 days from May 11, 2005, to provide documentation to object to the amount of arrearages, and stated that absent such documentation the support arrearages were set at the \$9,535.34 amount. The court also ordered that Parker pay \$1,500 in attorney fees to Montes under Family Code¹ section 3557 because of the child support arrearages. For both of these obligations, the court ruled that the payments were to commence on June 1, 2005, and to

¹ Subsequent statutory references are to the Family Code unless otherwise specified.

be paid at the rate of \$100 per month until they were paid in full. The court's ruling was entered as a final order on August 1, 2005.

Property issues were resolved in a judgment entered on May 16, 2007 (the property judgment). The judgment included an order for the sale of a community asset commercial building (the Balboa Building). The Balboa Building was under the control of receiver Marc Kaplan, who had been appointed by the trial court after Parker failed to use funds from the building to make monthly payments on a loan taken against the family residence. The judgment contemplated that the final equalization calculations in the division of the property would not be determined until the Balboa Building was sold. The judgment required that the Balboa Building sale proceeds be deposited into the receiver's trust account and that the proceeds be disbursed pursuant to the findings and orders set forth in the judgment. Further, the judgment provided that funds generated from the sale of other community property items, including a vehicle, a boat, and a motor home, be deposited into the receiver's trust account and be disbursed as provided by the court's orders. The judgment specified several matters that should be paid from the funds in the receiver's trust account in accordance with the court's orders, including outstanding expert fees and a \$15,000 sanctions award against Parker.

On May 24, 2007, Parker filed an appeal from the property judgment. He also filed a motion before the trial court requesting reconsideration of the court's rulings in the property judgment, removal of Kaplan as receiver of the Balboa Building, and sanctions against Montes, her attorney, and receiver Kaplan. On August 2, 2007, the trial court denied his requests. As to the reconsideration request, the court ruled it was without

jurisdiction to reconsider its rulings given the pending appeal, and alternatively, found no new information had been submitted warranting reconsideration. The trial court also granted Montes's requests for additional sanctions against Parker, and ruled the sanctions should be included in the equalization calculations. On August 6, 2007, Parker filed an appeal challenging these postjudgment rulings.

While the two appeals were pending, an offer was made for the purchase of the Balboa Building, and escrow was opened. On November 26, 2007, Montes filed motions to approve the proposed sale of the Balboa Building and to address various issues regarding the equalization calculations and disbursement of the Balboa Building sale proceeds. In her motion, she estimated the anticipated net proceeds from the sale of the Balboa Building and the net amount due each party from the proceeds after an equalization adjustment and payment of the outstanding expert fees. She requested that the amounts owed by Parker to her for child support arrearages and the various attorney fee/sanction awards be deducted from his share of the Balboa Building sale proceeds. Regarding the child support arrearages, Montes submitted a declaration stating that Parker never provided documentation disputing the \$9,535.34 amount calculated in May 2005, and that he made the required monthly payments on the arrearages from June 1, 2005, to October 1, 2006, but then stopped making them. Additionally, Montes requested

that funds be withheld from the trust account funds to pay for the costs of a QDRO that was ordered in the property judgment to divide the parties' deferred compensation plan.²

On December, 14, 2007, Parker filed a motion requesting a stay of the division of the trust account funds, arguing that the trial court had no jurisdiction over the matter until the pending appeals were decided. He also raised various objections to Montes's motion, and asked for sanctions against Montes under section 271 for failing to meet and confer. Montes opposed Parker's request for a stay, noting that in August 2007 Parker had himself filed a motion requesting a postjudgment disbursement ruling, in which he requested an order that would accommodate his plans for an Internal Revenue Code section 1031 (section 1031) real estate exchange with his share of the Balboa Building sale proceeds.

After several hearings and in a series of orders, the trial court approved the sale of the Balboa Building, ruled that receiver Kaplan be relieved after the close of escrow, and ruled on the other issues raised in the parties' motions. In January 2008, the court granted Parker's request that, pending resolution of his appeals, the trust account funds not be disbursed, on the condition that Parker post a \$75,000 bond. The January 2008 order provided that if the bond was not posted, "the funds will be disbursed per the Court's prior orders." On February 4 and 6, the court ruled that the bond must be posted within one week of February 4; the Balboa Building sale proceeds shall be deposited into several

² A QDRO is an order that gives a former spouse the right to receive benefits from the participant in a pension plan. (*In re Marriage of Gray* (2007) 155 Cal.App.4th 504, 511, fn 7.)

specified trust accounts; and pending resolution of the appeals no monies shall be released without further court order or written agreement of the parties.³

The trial court decided that although it was granting Parker's request for a stay of disbursement of the trust account funds, in the interests of avoiding future litigation it was appropriate to rule on Montes's request for rulings regarding the equalization calculations and payments. In a written decision dated February 5, 2008, the trial court preliminarily rejected Parker's objection to a court ruling based on the fact that the parties had not met and conferred. The court stated it was "inappropriate and unworkable" to impose this requirement because of Parker's continual allegations that Montes's attorney and receiver Kaplan had committed fraud and perjury.

As to the merits of Montes's motion, the trial court affirmed its orders that the outstanding expert fees should be included in the equalization calculations and paid from the trust account funds. Further, the court granted Montes's requests to include the child support arrearages and the outstanding attorney/fee sanction awards in the equalization/disbursement calculations. The court also granted her request to segregate \$1,500 from the trust account funds to complete the QDRO. Regarding the child support arrearages, the trial court stated that Parker owed the \$9,535.34 as set forth in the 2005

³ In the February 4 and 6 orders, the sales proceeds were ordered transferred (1) to Parker's accommodator for purposes of his section 1031 exchange, (2) to Montes's attorney's trust account, and (3) to a joint trust account on behalf of the parties. Pending the appeals, the orders provided that the funds were not to be released (including the funds for the section 1031 reinvestment) without further court order or written agreement of the parties.

order, because he had not submitted documentation to dispute this amount within the 30-day period required by the 2005 order.

The court also ordered additional sanctions and attorney fees against Parker, awarding Montes (1) \$1,500 under section 271 because Parker's positions regarding the support arrearages and the equalization payment based on prior court orders were without basis and caused Montes to incur unnecessary attorney fees and costs, and (2) \$1,500 under section 3557 because Montes was required to bring legal action to enforce an existing child support order.

The trial court's February 5, 2008 decision was entered as an order on February 21, 2008.

Meanwhile, Parker apparently did not post the bond ordered by the trial court to stay the disbursement of the trust account funds. On February 15, 2008, the trial court entered an order superseding its February 4 and 6, 2008 orders which had stayed release of the funds pending resolution of the appeals. In this new order, the trial court lifted the stay, ruling that (1) \$300,000 of the sale proceeds be transferred to Montes's attorney and then released to Montes, (2) \$430,000 of the sale proceeds be transferred to Parker's accommodator for purposes of his section 1031 exchange with no restrictions on release, and (3) the balance of the sale proceeds be transferred to Montes's attorney to be placed

into a joint account and held for the parties pending further court order or written agreement of the parties.⁴

Parker filed an appeal from the court's February 21, 2008 order, which is the appeal now before us. Parker contends the trial court had no jurisdiction to make its postjudgment rulings because the issues were pending on appeal. He also challenges the merits of the trial court's rulings regarding the child support arrearages and QDRO funds, and the new awards of sanctions and attorney fees under sections 271 and 3557.

DISCUSSION

A. *Jurisdiction*

An appeal of a judgment deprives the trial court of jurisdiction over matters embraced in or affected by the judgment; however, the trial court retains jurisdiction to determine ancillary or collateral matters that do not affect the judgment on appeal. (*Betz v. Pankow* (1993) 16 Cal.App.4th 931, 938; Code Civ. Proc., § 916.) "Whether a matter is 'embraced' in or 'affected' by a judgment . . . depends upon whether postjudgment trial court proceedings on the particular matter would have any impact on the 'effectiveness' of the appeal. If so, the proceedings are stayed; if not, the proceedings are permitted." (*Betz v. Pankow*, *supra*, at p. 938.) The purpose of the rule depriving the trial court of

⁴ The record on appeal does not contain all the reporter's transcripts of the various hearings held to resolve the parties' motions, and there is no express statement in the court's orders stating Parker did not post the bond. However, Montes states in her brief on appeal that Parker did not post the required bond, and Parker does not dispute this in his reply brief. The appellate record does not contain sufficient information for us to ascertain how the above-described allocation of funds was calculated.

jurisdiction over a case pending on appeal is to prevent the trial court from rendering an appeal futile by changing the judgment into something different. (*In re Marriage of Horowitz, supra*, 159 Cal.App.3d at p. 381.)

Here, the trial court's postjudgment rulings did not impact the effectiveness of the appeal. The child support arrearages were not part of the matters pending in the appeal from the property judgment; thus, the court's rulings on the arrearages had no impact on the appeal. The issues raised in Parker's appeal from the property judgment did include challenges to the trial court's rulings in the judgment regarding payment of expert fees and sanction/attorney fee awards. However, the court's postjudgment rulings in the current proceedings did not alter the *merits* of these earlier rulings, and thus the postjudgment rulings did not impact the appeals. Rather, the postjudgment rulings were designed to effectuate enforcement of the court's orders and judgment by setting forth the *manner* in which the equalization payments would be calculated and disbursement of funds would occur (i.e., deducting any outstanding expert fees, child support arrearages, attorney fee/sanction awards, and an amount to create the QDRO). If the appellate court's decision altered the merits of the trial court's expert fee or sanction/attorney fee rulings, then the calculations contemplated by the postjudgment rulings would be adjusted accordingly.

We note that in the trial court's February 21, 2008 postjudgment order, the trial court summarized the various rulings it made in the property judgment regarding the outstanding expert fees, and then stated that it was "affirm[ing]" these rulings. Read in context, it is clear the trial court was merely affirming that these fees were to be deducted

from the trust account funds, and the court was not attempting to address the merits of the rulings in the property judgment.

To support his argument that the trial court had no jurisdiction to render its rulings, Parker cites the court's August 2, 2007 ruling that it had no jurisdiction over his request for reconsideration of the rulings in the property judgment because of the pending appeal. Unlike the matters raised in Parker's motion for reconsideration of the property judgment, the trial court's postjudgment rulings regarding the equalization/disbursement issues did not involve alteration of the merits of the rulings in the property judgment.

Although in his briefing on appeal Parker generally challenges the trial court's jurisdiction to render postjudgment rulings, he has not specifically asserted that the trial court erred by retracting its stay order and actually releasing some of the funds. Further, he has not provided a transcript of the proceedings during which the parties and the court discussed the bond requirement and retraction of the stay. Additionally, the appellate record does not contain information indicating how the allocation of the sale proceeds was calculated and what matters were included in these disbursements.

Notably, the trial court's disbursement ruling benefitted Parker by permitting release of funds to allow him to carry out a section 1031 exchange. Normally, enforcement of a money judgment is not stayed pending an appeal unless the appellant posts a bond or undertaking. (Code Civ. Proc., §§ 917.1, 917.2; see *Hogoboom & King*, Cal. Practice Guide: Family Law (The Rutter Group 2008) ¶ 16:340, p. 16-95; Eisenberg, et al., Cal. Practice Guide: Civil Appeals & Writs (The Rutter Group 2008) ¶ 7:120 et seq., p. 7-30.4.) In the absence of a stay, there is no jurisdictional barrier to a

trial court's enforcement of a money judgment. (*In re Marriage of Thompson, supra*, 96 Cal.App.3d at pp. 624-625.)⁵ Because Parker did not present arguments or provide a full record of the proceedings concerning the bond and lifting of the stay, these aspects of the court's rulings are not before us for consideration and we presume they are correct. (*Amato v. Mercury Casualty Co.* (1993) 18 Cal.App.4th 1784, 1794-1795 [to establish error, appellant has burden of presenting adequate record and argument]; *Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) Given that the stay had been removed when the trial court ordered release of monies, there was no jurisdictional error.

The challenged postjudgment rulings did not impact the effectiveness of the appeal and permissibly enforced a money judgment. Accordingly, the trial court did not exceed its jurisdiction.

B. *Child Support Arrearages*

Challenging the trial court's ruling regarding the \$9,535.34 child support arrearages, Parker argues the trial court failed to consider his declaration, filed on April 25, 2005, objecting "to the support issue." The hearing on the child support issue was held on May 11, 2005, and the trial court's 2005 order (entered on August 1, 2005) stated that Parker had 30 days from May 11, 2005, to provide documentation to object to the amount of the arrearages. On appeal, we draw all reasonable inferences in favor of the trial court's ruling and, absent an affirmative showing of error, presume the ruling is

⁵ If a money judgment is enforced and then subsequently reversed on appeal, the courts are authorized to order restitution to the appellant. (Code Civ. Proc., § 908; Eisenberg et al., Cal. Practice Guide: Civil Appeals & Writs, *supra*, ¶ 14:155, p. 14-53.)

correct. (*In re Marriage of Martin* (1991) 229 Cal.App.3d 1196, 1199.) We presume the trial court had Parker's April 25, 2005 declaration at the time of the May 11, 2005 hearing and considered it when calculating the \$9,535.34 amount of the arrearages in 2005.

Parker asserts the trial court did not "attempt to determine if any of the support had been paid after 2005." To the contrary, Montes submitted information to the court delineating the payments made by Parker on the arrearages in 2005 and 2006, and we presume these are included in the equalization/disbursement calculations.

Parker also contends the trial court erred because it did not consider the evidence he presented regarding "unrecovered medical expense and any other payment due to [him]." The trial court ruled that it was not appropriate for Parker "to receive unrelated offset credit" against the child support arrearages. Parker has not explained why the trial court erred in concluding the offsets were not appropriate. He has not carried his burden to show error on appeal.

C. Funds for QDRO

Parker asserts there is no evidence to support a need for \$1,500 for the QDRO and the order is vague. The property judgment included an order requiring that a QDRO be used to divide the parties' pension plan, and provided that Montes was to be responsible for beginning the process and that the cost of preparing the documents was to be divided equally between the parties. This supports allocation of funds from the trust account for the costs of the QDRO. Absent a showing the \$1,500 was an unreasonable amount, Parker has not shown error.

D. Sanction/Attorney Fee Awards

Parker contends (1) his due process rights were violated because Montes did not file a motion requesting sanctions under section 271, and (2) there is no evidence to support the section 271 sanctions.

Parker's due process contention is not supported by the record. In her response to Parker's motion opposing her requests for rulings on the equalization/disbursement issues, Montes requested section 271 sanctions.

The record supports the trial court's award of section 271 sanctions against Parker. Section 271, subdivision (a) authorizes a trial court to award attorney fees and costs as sanctions based "on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys." Sanctions may be awarded for unreasonable conduct that frustrates the policies of settlement and increases the costs of litigation. (*In re Marriage of Abrams* (2003) 105 Cal.App.4th 979, 990-991, disapproved on other grounds in *In re Marriage of LaMusga* (2004) 32 Cal.4th 1072, 1097.) On appeal, we review a sanctions order for abuse of discretion. (*In re Marriage of Abrams, supra*, 105 Cal.App.4th at p. 991.)

The trial court awarded section 271 sanctions based on a finding that Parker's position was unreasonable regarding the child support arrearages and the equalization issues. The record supports this ruling. The property judgment required that the proceeds from the sale of the Balboa Building and other community assets be deposited into the receiver's trust account, and that the funds be disbursed to effectuate the trial

court's orders. When the sale of the Balboa Building was imminent, Montes filed a motion requesting that the trial court address how the equalization payments would be calculated and the trust account funds disbursed. The equalization/disbursement issues raised by Montes were derived from previous court orders—i.e., outstanding expert fee and sanction/attorney fee awards, child support arrearages, the need for a QDRO, and the sale of various community assets ordered in the property judgment. Parker raised numerous objections to her requests, including assertions of lack of jurisdiction and a request for stay, complaints about the failure to meet and confer, complaints about the handling of the sale of the parties' motor home, requests for sanctions, and challenges to the child support arrearages. In response, Montes filed a lengthy declaration and other documents to refute his contentions and explain the unreasonableness of his positions.

Even assuming that it was reasonable for Parker to argue that disbursement of the funds should be stayed pending the appeals, the trial court could reasonably conclude that the scope of his other objections unreasonably increased the litigation. The child support arrearages were determined by the trial court after the May 11, 2005 hearing. Parker has not cited to anything in the record showing that he provided documentation to dispute this amount within the 30-day period after May 11, 2005, as required by the court's order. The 2005 ruling setting the arrearages amount was entered as a final order in August

2005.⁶ Absent the timely submission of the required documentation, Parker did not show a reasonable basis for challenging the arrearages amount during the current proceedings in 2007 and 2008. Further, the trial court could reasonably infer that Parker knew many of his arguments were specious. These included his complaints about the failure to meet and confer under circumstances where his tactics made this unworkable; his complaints about the sale of the motor home under circumstances where the matter had been delegated to Montes and an elisor appointed to sign on behalf of Parker because of problems with his cooperation; and his requests for sanctions with no reasonable basis to support them.

As to the award under section 3557, Parker contends it is duplicative of the award made by the trial court in 2005 under this same code section. The contention is unavailing. Section 3557, subdivision (a)(1)(A) authorizes an award of attorney fees to a custodial parent who has to bring an action to enforce an existing child support order. Montes filed a motion to determine child support arrearages in 2005. In 2007, she filed a second motion to obtain these same arrearages, stating that Parker made the ordered monthly payments on the arrearages from June 2005 to October 2006 and then stopped.

⁶ In his December 2007 declaration opposing Montes's motion to deduct the child support arrearages from the Balboa Building sale proceeds, Parker referred to, and attached, a declaration, signed by him on June 9, 2005, objecting to the amount of the child support arrearages. However, this declaration is not file-stamped, and Parker does not specifically refer to it in his briefing on appeal. Because there is no showing that this declaration was filed with the trial court or brought to its attention in a timely manner, we do not consider it.

Because Montes had to file a motion in 2005 and again in 2007 to enforce the child support order, the second section 3557 award was not duplicative.

Parker also challenges the sanction awards because no income and expense declarations were filed by the parties. Section 271 requires the trial court to consider the parties' financial circumstances to avoid imposition of an unreasonable burden on the sanctioned party, and section 3557 requires consideration of the parties' incomes and needs to ensure ability to pay the award and access to legal representation. Court rules require that income and expense declarations be filed when the trial court is awarding attorney fees. (San Diego Superior Court Rules, rule 5.6.2 [requiring income and expense declaration executed within 90 days of hearing involving financial issues such as support, attorney's fees and costs]; California Rules of Court, rule 5.128 [requiring current income and expense declaration, including attorney fees information, when relevant to issues].)

Assuming more recent income and expense declarations should have been filed at the time of the February 2008 postjudgment proceedings, the error was harmless. (*Burkle v. Burkle* (2006) 144 Cal.App.4th 387, 403.) The trial court had income and expense declarations from the property trial which occurred in December 2006 and January 2007. Parker has not cited to anything in the record suggesting a substantial change in the parties' circumstances by the time of the February 2008 postjudgment order. Moreover, in his December 2007 motion requesting sanctions against Montes in the current proceedings, Parker asked the trial court "to use [his] October 16, 2007 income and

expense declaration for purposes of this motion."⁷ On this record, Parker has not shown prejudice from any lack of current income and expense declarations.

E. Sanctions On Appeal

Montes filed a motion requesting \$17,000 in sanctions against Parker for filing a frivolous appeal. She submitted a declaration stating that she had incurred \$9,355.27 attorney fees for the appeal as of July 31, 2008, and anticipated that her total fees and costs would be \$17,000 at the completion of this appeal. We sent notice to Parker, and he filed an opposition. (California Rules of Court, Rule 8.276(c), (d).)

An appeal may be deemed frivolous when (1) under a subjective standard, it is prosecuted for improper motives of harassment or delay, or (2) under an objective standard, it indisputably has no merit because any reasonable attorney would agree that the appeal is totally and completely without merit. (*In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 649-650; *In re Marriage of Schnabel* (1994) 30 Cal.App.4th 747, 754; Code Civ. Proc., § 907.) Although a pro. per. litigant is not necessarily charged with the knowledge that is imputed to an attorney under the objective prong of the frivolous appeal analysis (*Kabbe v. Miller* (1990) 226 Cal.App.3d 93, 98), a pro. per. litigant who persists in raising matters that he or she knows are baseless can properly be sanctioned under the subjective prong for harassment (*Leslie v. Bd. of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121).

⁷ The record on appeal does not include the October 2007 income and expense declaration referenced by Parker in his pleadings before the trial court.

We agree with Montes that this appeal is frivolous when examined under the subjective prong. The record shows that Parker, representing himself and thus avoiding his own attorney fees, has repeatedly raised arguments that are exceedingly difficult to decipher and/or clearly without a reasonable basis, thereby protracting the litigation at the trial and appellate levels and increasing Montes's attorney fees. Although we denied Montes's request for sanctions in Parker's appeals from the property judgment and August 2007 postjudgment order, we cautioned him that his appeal from the August 2007 order bordered on the frivolous.

The current appeal involves a challenge to another postjudgment order, and none of the arguments presented by Parker raised a colorable claim of reversible error. Once the trial court rendered the postjudgment rulings in the current proceedings, Parker knew the rulings did not alter the merits of the matters on appeal but rather involved equalization and disbursement issues that needed to be resolved to effectuate the property judgment and other court orders. Parker has presented no argument explaining why it was unreasonable or improper for the court to make equalization and disbursement rulings that did not change the merits of the rulings that were under appellate review.

Further, Parker himself had asked the trial court for a postjudgment disbursement ruling to accommodate his plans for a section 1031 exchange. Notwithstanding his own invocation of the trial's court jurisdiction to render postjudgment rulings, Parker has filed this appeal reiterating his assertion that the trial court had no jurisdiction. This inconsistent position—affirmatively seeking a postjudgment ruling when it benefitted him but arguing on appeal that the court had no jurisdiction to grant Montes's requests for

postjudgment rulings—creates a compelling inference that Parker's appeal was motivated by improper motives.

Additionally, Parker knew from the record that the child support arrearages had been entered as a final order in August 2005 and that the property judgment required creation of a QDRO. In his appellate arguments, he presented no reasonable justification for challenging the trial court's decisions to include these outstanding matters in the equalization/disbursement allocations.

Parker also knew the trial court had sanctioned him for the unreasonableness of his positions, and yet he persisted at the appellate level in raising arguments on some of these points, and challenging the sanctions themselves, without setting forth a reasonable justification. Regarding his challenges to the sanction/attorney fee awards, Parker must have realized the section 3557 award was not duplicative because he knew Montes filed motions in both 2005 and 2007 based on child support arrearages. His challenge to the sanctions based on the lack of income and expense declarations raised a technical error at most. The record shows this was not a real concern to him because he requested that the trial court rule on his sanctions motion against Montes based on an income and expense declaration included in the file.

Considering the totality of circumstances, including Parker's failure to present a reasonable justification for his appellate challenges and his history of raising numerous baseless arguments, we are persuaded that Parker brought the current appeal for purposes of harassment. We conclude sanctions on appeal are warranted, and set the amount at

\$7,500. We admonish Parker to seriously evaluate the propriety of any further appeals from postjudgment orders in this matter.

DISPOSITION

The order is affirmed. Parker is ordered to pay to Montes (1) her costs on appeal and (2) \$7,500 sanctions for a frivolous appeal.

HALLER, J.

WE CONCUR:

HUFFMAN, Acting P. J.

McDONALD, J.